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CENTRAL FAX CENTER

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From: Lisa J. Michaud	Direct Dial: (617) 439-2550	Fax No: (617) 310-9550
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RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Examiner David Comstock	United States Patent and Trademark Office	(703) 872-9306	

COMMENTS:

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Client-Matter No. 101896-241

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RECEIVED
CENTRAL FAX CENTER**FEB 16 2005 PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mark Boomer et al.

Application No.: 10/708,919

Filed: March 31, 2004

Entitled: ADJUSTABLE-ANGLE SPINAL
FIXATION ELEMENT

Docket No.: 101896-241 (DEP-5293)

Group Art Unit: 3732

Examiner: David Comstock

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February 16, 2005

By: 

Date of Signature and Mail Deposit

Lisa J. Michaud, Reg. No: 44,238
Attorney for Applicant(s)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This communication is in response to the Office Action dated February 8, 2005, requiring election of the above-referenced application to one of the following species:

- I. Figure 1A;
- II. Figure 4A; and
- III. Figure 5A.

The Examiner submits that no claims are generic.

At the outset, Applicants note that the list of species is incorrect and should read as follows:

(I) Figures 1A-1D, (II) Figures 2A-3B, (III) Figures 4A-4B, (IV) Figures 5A-5C.

Applicants elect the Group I species (Figures 1A-1D).

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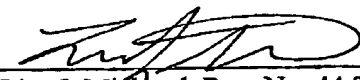
Atty. Docket No.: 101896-241 (DEP-5293)

Claims 1, 7-11, and 42 are generic to all species. Claims 2, 12-20, 43, and 45-50 read on the Group I species (Figure 1A). Accordingly, remaining claims 3-6, 21-41, 44, and 51-59 are withdrawn from consideration as being drawn to a non-elected species.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: February 16, 2005



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